



Jackson Lewis P.C.

44 South Broadway, 14th Floor

White Plains NY 10601

(914) 872-8060 Main

(914) 946-1216 Fax

jacksonlewis.com

December 14, 2023

VIA ECF

The Honorable Vernon S. Broderick
United States District Judge
40 Foley Square, Room 518
New York, NY 10007

Re: Fleming v. NADAP, Inc., et al
Case No.: 1:23-cv-08892-VSB

Dear Judge Broderick:

We represent the Defendants in the above referenced matter.

We respectfully request that the Court so-order the attached Stipulation extending the deadline for Defendants to Answer, Move Against, or Otherwise Respond to the Plaintiff's Complaint from December 29, 2023 through and including February 9, 2024. We set forth the bases for this request below.

This action is before the Court after Defendant's removal of a New York state court action. Plaintiff commenced the state court action by filing a Summons with Notice, which pleading contained no factual allegations. After removing the state court action to this Court, the Parties stipulated, and the Court so ordered a Stipulation, *inter alia* requiring Plaintiff to serve and file a Complaint by or before November 30, 2023. During the late afternoon of November 30, 2023, Plaintiff's counsel served and filed via ECF a 223-paragraph Complaint, in which she asserted nine causes of action arising under multiple statutes, against the three named Defendants. The allegations contained in the Complaint are extremely detailed and lengthy. Due to the complexity of the Complaint and unavailability of witnesses and Defendants caused by the upcoming holidays, Defendants require additional time to conduct their investigation of the Complaint's allegations and claims, and to assess those claims and possible defenses in this action in order to respond to the Complaint.

Plaintiff's counsel consents to this request for an extension of time to respond to the Complaint.

This request is Defendants' first request for an extension of time to respond to the Complaint.

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We are submitting via ECF on behalf of all parties and for the Court's consideration a proposed Stipulation and Order Extending Time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Penny Ann Lieberman', with a stylized, wavy line for the surname.

Penny Ann Lieberman, Esq.

914-872-6887

Penny.Lieberman@JacksonLewis.com

Jackson Lewis P.C.

cc: Megan S. Goddard, Esq. (via ECF)

Attachment